

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DUSTIN MITCHELL, on Behalf of Himself §
and on Behalf of All Others Similarly Situated, §
Plaintiff, §
§
vs. § CIVIL ACTION NO. 4:21-cv-03100
§
§
KESTREL FIELD SERVICES, INC., §
Defendant. §

AGREED MOTION TO DISMISS WITH PREJUDICE

Under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties, Plaintiff Dustin Mitchell (“Mitchell”) and Defendant Kestrel Field Services, Inc. (“Kestrel”) (collectively, the “Parties”), move to dismiss this case. On November 5, 2021, this Court granted the Parties’ Joint Motion to Stay and ordered them to arbitrate. Mitchell filed a demand for individual arbitration with the American Arbitration Association on January 7, 2021.

The Parties have settled Mitchell’s claims, which related to a bona fide dispute regarding overtime payments under the Fair Labor Standards Act (“FLSA”). The Parties agree the settlement they reached is reasonable and fair and that they have been advised by experienced counsel in reaching their settlement. *See generally Martin v. Spring Break ’83 Productions, LLC*, 688 F.3d 247, 255-56 (5th Cir. 2012). Mitchell has voluntarily dismissed his arbitration against Kestrel. The Parties therefore ask this Court to dismiss this lawsuit, with prejudice.

Respectfully and jointly submitted,

HODGES & FOTY, LLP

/s/ William M. Hogg
Don J. Foty
Texas State Bar No. 24050022
Federal ID No. 711552
William M. Hogg
Texas State Bar No. 24087733
Federal ID No. 3060906
4409 Montrose Blvd., Suite 200
Houston, Texas 77006
Telephone: (713) 523-0001
Facsimile: (713) 523-1116
dfoty@hftrialfirm.com
whogg@hftrialfirm.com

Attorneys for Plaintiff Dustin Mitchell

JACKSON WALKER, LLP

/s/ G. Scott Fiddler
G. SCOTT FIDDLER
Attorney-in-Charge
Texas State Bar No. 06957750
Federal ID No. 12508
sfiddler@jw.com
1401 McKinney Street, Suite 1900
Houston, Texas 77010
Tel.: 713-752-4217
Fax: 713-752-4221

JACLYN C. STAPLE
Texas State Bar No. 24114890
Federal ID No. 3241341
jstaple@jw.com
Jackson Walker LLP
1401 McKinney Street, Suite 1900
Houston, Texas 77010
Tel: 713-752-4415
Fax: 713-754-6715

*Attorneys for Defendant
Kestrel Field Services, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing via the Court's CM/ECF system on March 31, 2022.

/s/ William M. Hogg
William M. Hogg